UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

ROBERTA KARNOFSKY, Plaintiff, v. MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY, Defendant.	C.A. No.: 2:14-cv-00949-PMD **PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

TO: THEODORE DUBOSE WILLARD, JR., ESQ., Attorney for Defendant:

YOU WILL PLEASE TAKE NOTICE THAT Plaintiff Roberta Karnofsky ("Karnofsky" or "Plaintiff"), by and through their undersigned counsel, hereby moves this Court, pursuant to Rule 56 of the Fed. R. Civ. Pro., for an Order granting partial summary judgment to the Plaintiff. The grounds for this Motion are as follows:

1. The Defendant's Disability Policy defines total disability is the inability to perform the "main duties" of an occupation-not "all" the main duties.

2. Dr. Karnofsky is unable to perform the main duties of an Anesthesiologist from 2010 to present and is entitled to benefits under the Defendant's Disability Policy and Own Occupation Rider, plus interest.

3. Alternatively, Dr. Karnofsky is entitled to benefits under the Partial disability coverage as well.

4. Finally, Dr. Karnofsky is entitled to attorney's fees and costs for the benefits awarded as a result of this case and pursuant to S.C. Code § 38-59-40

WHEREFORE, the Plaintiff respectfully requests that the Court issue an Order granting its Motion for Partial Summary Judgment based on the Memorandum of Law filed with this Motion.

RESPECTFULLY SUBMITTED,

Dated: July 6, 2015

MCNAIR LAW FIRM, P.A.

By: *s/ Michael A. Scardato*

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